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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,104	08/22/2001	Natalie Bryant	3245/FBR	9322
26304	7590	12/15/2003	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585			JONES, SCOTT E	
			ART UNIT	PAPER NUMBER
			3713	
			DATE MAILED: 12/15/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,104

Applicant(s)

BRYANT, NATALIE

Examiner

Scott E. Jones

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on September 26, 2003 in which applicant amends claim 1, amends the abstract, submits a replacement set of formal drawings, and responds to the claim rejections. Claims 1-5 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Slot Machines A Pictorial Review - 1973 Bally "Circus".

Slot Machines A Pictorial Review - 1973 Bally "Circus" discloses a mechanical reel slot machine having a circus theme. Slot Machines A Pictorial Review - 1973 Bally "Circus" additionally discloses:

Regarding Claim 1:

- the display means displays a plurality of spinning reels (See Figure),
- each reel carrying symbols from a set of symbols (See Figure),
- one of the symbols (monkey symbol) of the set of symbols on the reels of a gaming machine is a scatter symbol (See Figure and p. 119),
- in respect to at least one of the reels, the set comprising a plurality of the scatter symbols (monkey symbols), at least certain of the scatter symbols on said at least

Art Unit: 3713

on reel being separated from each other on the reel by at most one symbol, so that when more than a minimum number of scatter symbols are displayed simultaneously at any one time when the reels are in a rest condition, all the displayed scatter symbols contribute to a single paying combination of the scatter symbols (See Figure and p. 119). Slot Machines A Pictorial Review - 1973 Bally "Circus" discloses "an unusual play feature...the monkey special, which pays 20 coins for three monkeys in any position in the reel glass." Therefore, the monkey special could be three monkeys displayed on the same reel, two monkeys on one reel (adjacent or separated by one symbol) and another monkey displayed on any one of the two remaining reels, etc.

Regarding Claim 3:

- the set of symbols on each of the reels has more than one occurrence of the scatter symbol. As described above, in order to obtain a monkey special on one or two reels, either three scatter symbols (monkey symbols) must be on one reel, or two scatter symbols on one reel and one scatter symbol on any one of the two remaining reels (See Figure and p. 119).

Regarding Claim 4:

- the set of symbols of each reel has at least two scatter symbols. As described above, in order to obtain a monkey special on one or two reels, either three scatter symbols (monkey symbols) must be on one reel, or two scatter symbols on one reel and one scatter symbol on any one of the two remaining reels (See Figure and p. 119).

Art Unit: 3713

Regarding Claim 5:

- the scatter symbols are positioned on each reel such that up to three scatter symbols are able to be displayed at any one time. As described above, in order to obtain a monkey special on one or two reels, either three scatter symbols (monkey symbols) must be on one reel, or two scatter symbols on one reel and one scatter symbol on any one of the two remaining reels (See Figure and p. 119).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slot Machines A Pictorial Review - 1973 Bally "Circus".

Slot Machines A Pictorial Review - 1973 Bally "Circus" discloses that as discussed above regarding claims 1 and 3-5. However, Slot Machines A Pictorial Review - 1973 Bally "Circus" lacks explicitly disclosing:

Regarding Claim 2:

- the display means is a video display unit and the display of the reels is constituted by a video simulation.

However, to one having ordinary skill in the art at the time of Applicant's invention, having a display means to simulate spinning reels in a slot machine was notoriously well known. It would have been obvious to replace the display shown in Slot Machines A Pictorial Review -

1973 Bally "Circus" with a video display that simulates spinning reels. One would be motivated to do so in order to reduce the amount of time required to "spin" the reels. Reduced reel spin times equate to higher play rates and increased profits for casino operators.

Response to Arguments

6. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.
7. Applicant's arguments, see page 5, filed September 26, 2003, with respect to the abstract have been fully considered and are persuasive. The objection of the abstract has been withdrawn.
8. Applicant's arguments and amendment, see pages 4 and 5, filed September 26, 2003, with respect to the objection to claim 1 has been fully considered and is persuasive. The objection of claim 1 has been withdrawn.
9. The drawings were received on September 26, 2003. These drawings are acceptable.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 3713

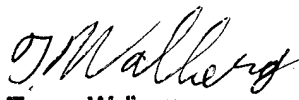
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Thursday, 6:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703) 308-1327. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

SEJ
sej


Teresa Walberg
Supervisory Patent Examiner
Group 3700